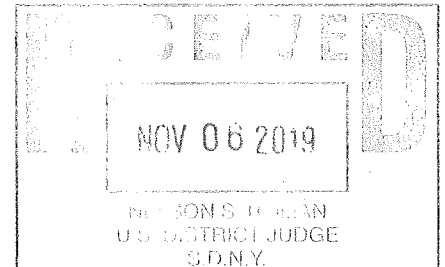


26 Horton Avenue  
 Middletown, New York 10940  
 November 3, 2019

Hon. Nelson S. Roman  
 United States District Judge SDNY  
 Brieant US District Courthouse  
 300 Quarropas Street  
 White Plains, New York 10601



United States v. Joseph Scali S2<sup>16</sup> CR 466

Dear Judge Roman:

We received your Memorandum Endorsement of September 26, 2019 with thanks. As of this writing, we have not received the Government's opposition to our Petition but further, have several issues which we respectfully would like you to consider.

Our daughter in law and Joe's wife, Arelys Scali, has not been served or received any notice that we are aware of about this proceeding. She is presently on a teaching mission in Europe and is not expected back in the United States until early January. From the date of the mortgage which is the subject of this proceeding until Joe's remand and incarceration on March 5, 2018, she made monthly interest-only mortgage payments to us. We do not have access to her financial records and will need them as well as her testimony or at least an affidavit from her to respond to the Government's anticipated opposition. Accordingly, we do not see how we can possibly reply by November 15, 2019 as you have ordered.

In addition, Joe's appellate counsel, Walter Loughlin, Esq. filed his appellate brief on October 9, 2019 and the entire appeal should be fully submitted before Christmas. The validity of the mail fraud count is being vigorously contested in the appeal. The restitution is based solely on that count and if reversed, will render this proceeding moot. Since this matter involved a forfeiture of the marital residence which Joe and Arelys own together and since your preliminary order (and any stay which you might impose) would seem to preclude any transfer, we wondered and respectfully ask that you consider holding any further proceedings in abeyance until the appeal is decided. The house is going nowhere and it would be hard to see any prejudice to the Government before then. Also, we have spoken with 2 capable attorneys in this area and both are requesting a 5 figure retainer to represent us, an extreme hardship as 92 year old retirees.

U.S. SDNY

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FILED 12/6/2019

We thank you in advance for your consideration of our request. Postponing this proceeding would be for a matter of months, not years. There appears to be no reason this must go forward right now. The damage to us and to Arelys would be enormous before all of the issues are decided on appeal. Your preliminary order remains in place, protecting the restitution in the event the mail fraud conviction is affirmed has already been accomplished.

Thank you,

  
Barbara G. Scali


  
Nicholas J. Scali

CC: US Attorney's office

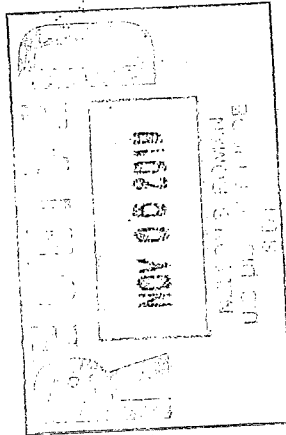
To the extent the movants seek a stay, application is denied.

Movants are granted an extension of time until Jan. 31, 2020 to file and serve a reply. Chambers mailed a copy of this endorsement to both movants.  
Dated: Dec. 6, 2019

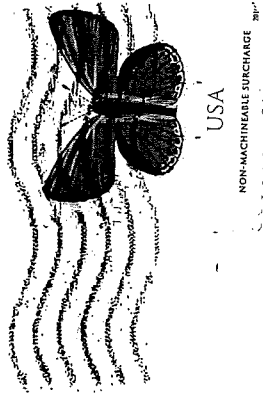
SO ORDERED:

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

26 Horton Avenue  
Middletown, NY 10940



WESTCHESTER NY 10601  
NOV 08 2019



Hon. Nelson S. Roman  
United States District Judge SDNY  
Brieant US Disrtict Courthouse  
300 Quarropas Street  
White Plains, NY 10601

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